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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their capacities as Trustees of the LABORERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA;	) No. C 07-04784 EMC
LABORERS VACATION-HOLIDAY TRUST FUND FOR NORTHERN CALIFORNIA;	)
LABORERS PENSION TRUST FUND FOR NORTHERN CALIFORNIA; and LABORERS TRAINING AND RETRAINING TRUST FUND FOR NORTHERN CALIFORNIA,	)
	)
Plaintiffs,	) Date: August 20, 2008
	) Time: 10:30 a.m.
v.	) Judge: Honorable Edward M. Chen
	) Courtroom: C, 15th Floor
CHESTER L. NEAL, Individually and doing business as C.L. NEAL CONSTRUCTION,	)
	)
Defendant.	)

I, KRISTINA M. ZINNEN, hereby declare that:

1. I am an attorney at law, admitted to practice before this Court, and an associate with the law firm of Weinberg, Roger & Rosenfeld, located at 1001 Marina Village Parkway, Suite 200, Alameda, CA 941501-1091, attorneys for Plaintiff in the above-referenced matter. I make this declaration upon my personal knowledge, and, if called as a witness, I could competently testify to

1 the facts hereinafter stated.

2 2. Plaintiffs sued Defendant Chester L. Neal, individually and doing business as C.L.  
3 Neal Construction (hereinafter "Defendant") for audit, breach of contract, damages, and injunction.  
4 As explained in the Declaration of John Hagan, Plaintiff Trust Funds are seeking to compel an  
5 audit of Defendant's books and records to determine if Defendant is making full and prompt  
6 payment of its required contributions pursuant to the Master Agreement and Trust Agreements.

7 3. The legal basis upon which Plaintiffs seek Judgment in this case is set forth in  
8 Plaintiffs' Motion for Default Judgment, Memorandum of Points and Authorities in support  
9 thereof, Declaration of John Hagan and exhibits thereto, and a proposed form of judgment, filed  
10 concurrently herewith. I submit my declaration in support of said Motion.

11 4. Plaintiffs served Defendant with the Summons and Complaint by substituted service  
12 under California Code of Civil Procedure section 415.20(b) on December 26, 2007, and mailed the  
13 Summons and Complaint to Defendant on January 9, 2008, for which service was deemed  
14 complete under CCP 415.20(b) on January 19, 2008. Plaintiffs filed the Proof of Service  
15 Summons with the Court on January 16, 2008. Defendant failed to answer or otherwise respond to  
16 the Complaint. Consequently, at the request of the Plaintiffs, the Clerk entered default against  
17 Defendant on February 21, 2008.

18 5. The following work was performed on this case by Plaintiffs' attorneys at the  
19 billable rate of \$225.00 per hour for transactions prior to June 1, 2007 and at the billable rate of  
20 \$275.00 per hour for shareholders and \$250.00 per hour for associates, for transactions on or after  
21 June 1, 2007:

Date	Timekeeper	Description	Hour	Rate	Fee
01/23/07	BEH	Initial review of all documentation received from Trust Funds; letter to Trust Funds; attorney demand letter sent	1.25	\$225	\$281.25
02/23/07	KMZ	Review file; telephone conference and follow-up email with client regarding status of demand and further action	0.25	\$225	\$ 56.25
08/20/07	KMZ	Review file	0.25	\$250	\$ 62.50
09/10/07	KMZ	Draft Complaint for Audit and prepare exhibits thereto	1.50	\$250	\$375.00
09/14/07	KMZ	Finalize Complaint and civil cover sheet for filing	0.50	\$250	\$125.00

1	11/02/07	KMZ	Receive and review Clerk's Notice re e-filing	0.25	\$250	\$ 62.50
2	12/04/07	KMZ	Review file; check on status of service	0.50	\$250	\$125.00
3	12/17/07	BEH	Receipt of telephone call from Judge's Clerk; review of file	0.25	\$275	\$ 68.75
4	12/17/07	KMZ	Receive correspondence from Court Clerk re status of case	0.25	\$250	\$ 62.50
5	12/18/07	KMZ	Receive reports from process server re status of service on Defendant; draft Request for Continuance of Case Management Conference and Declaration of K. Zinnen in support thereof	1.50	\$250	\$375.00
6	12/20/07	KMZ	Review file; complete Consent to Proceed Before Magistrate Judge	0.50	\$250	\$125.00
7	01/15/08	KMZ	Receive and file Proof of Service	0.25	\$250	\$ 62.50
8	01/29/08	KMZ	Review file; review proofs of service and legal research to determine last day for Defendant to answer	0.50	\$250	\$125.00
9	02/12/08	KMZ	Draft Request for Entry of Default and Declaration thereto; draft Case Management Conference statement and exhibits thereto	2.00	\$250	\$500.00
10	02/15/08	KMZ	Telephone conference with Court Clerk; receive Notice continuing Case Management Conference	0.25	\$250	\$ 62.50
11	02/21/08	KMZ	Receive Court's Entry of Default	0.25	\$250	\$ 62.50
12	04/04/08	KMZ	Receive correspondence from Court Clerk re filing of Motion for Default Judgment; draft email to Clerk re same	0.25	\$250	\$ 62.50
13	04/07/08	KMZ	Review file; draft Notice of Motion and Motion for Default Judgment; draft Declaration of J. Hagan	3.75	\$250	\$937.50
14	04/08/08	KMZ	Receive Order Continuing Case Management Conference	0.25	\$250	\$ 62.50
15	05/23/08	KMZ	Review file	0.25	\$250	\$ 62.50
16	06/02/08	KMZ	Receive telephone call from Court Clerk re status of case; telephone call to Court Clerk re same; receive Order Continuing Case Management Conference	0.50	\$250	\$125.00
17	06/18/08	KMZ	Review file; review and revise Declaration of J. Hagan; draft correspondence to J. Hagan re same	1.25	\$250	\$312.50
18	06/19/08	KMZ	Receive signed declaration from J. Hagan; draft Motion for Default Judgment, Memorandum of Points and Authorities, proposed judgment, and Declaration of K. Zinnen; prepare exhibits	3.00	\$250	\$750.00
19			<b>TOTAL:</b>			<b>\$4,843.75</b>

6. Barry E. Hinkle (BEH) is a shareholder with the Law Firm. Barry Hinkle (BEH) is a shareholder with the Law Firm. Mr. Hinkle graduated from University of California at Hastings and was admitted to the California Bar in 1976. Mr. Hinkle has been with the firm for 23 years, specializing exclusively in ERISA work. Mr. Hinkle has represented trust fund clients in Hawaii,

1 Arizona, Nevada, Alaska and Northern California. Mr. Hinkle's time was billed at the Trust Fund  
 2 rate of \$225.00 per hour for transactions prior to June 1, 2007, and \$275.00 per hour for  
 3 transactions on or after June 1, 2007.

4 7. I, Kristina M. Zinnen (KMZ), am a second-year associate with the Law Firm. I  
 5 earned a Bachelor of Arts degree from Northwestern University, and a Juris Doctor from the  
 6 University of San Francisco School of Law in 2006. I was admitted to the California Bar in  
 7 December 2006. I have been with the law firm since September 2006, working on a variety of  
 8 ERISA matters, including collection work in State and Federal Courts on behalf of Trust Fund  
 9 clients, litigating and counseling on issues involving ERISA, trust fund collection, benefit denials,  
 10 as well as general litigation and arbitration work on numerous cases. My time was billed at the  
 11 Trust Fund rate of \$225.00 per hour for transactions prior to June 1, 2007, and \$250.00 per hour for  
 12 transactions on or after June 1, 2007.

13 8. The following work was performed on this case by this law firm's paralegal  
 14 department.

Date	Timekeeper	Description	Hours	Rate	Fee
09/19/07	ERN	Review of applicable rules to determine due dates triggered by filing of Complaint and scheduling of Initial Case Management Conference	0.50	\$125	\$ 62.50
12/21/07	ERN	Review of applicable rules to determine due dates triggered by Order rescheduling Initial Case Management Conference	0.50	\$125	\$ 62.50
01/16/08	ERN	Review of applicable rules to determine due dates triggered by service of summons and complaint on Defendant	0.50	\$125	\$ 62.50
04/09/08	ERN	Review of applicable rules to determine due dates triggered by rescheduling of Initial Case Management Conference	0.50	\$125	\$ 62.50
06/02/08	ERN	Review of applicable rules to determine due dates triggered by Clerk's Notice rescheduling Case Management Conference	0.50	\$125	\$ 62.50
<b>TOTAL:</b>					<b>\$312.50</b>

24 9. Eleanor Natwick (ERN) is a paralegal with the Law Firm. Ms. Natwick holds a  
 25 Bachelor of Arts in English from Western Michigan University and a teaching credential. Ms.  
 26 Natwick earned her paralegal certificate from the University of California at Berkeley in June  
 27 2006. Ms. Natwick has been with the Law Firm since October 1980, working as a Litigation Case  
 28

1 Clerk in the paralegal department since March 1, 2003, and as a paralegal since January 14, 2007.

2 10. Based on the foregoing the total amount of attorneys' fees billed is \$5,156.25. Our  
3 client has been billed for all work described above through May 31, 2008. Our client will be billed  
4 for all of the other work described above in the amount indicated.

5 11. The following costs have been incurred by Plaintiffs' attorneys:

6 09/10/07	Photocopies of exhibits for complaints	\$ 10.75
7 09/11/08	Filing fee for Complaint in U.S. District Court	\$350.00
8 01/09/08	Service of documents and attempted service on Chester L. Neal, individually in Fresno, CA	\$189.00
9 04/30/08	Electronic research (Westlaw) for period of 04/01/08-04/30/08	\$ 7.85
	<b>TOTAL:</b>	<b>\$557.60</b>

10 12. Based on the foregoing, the total amount of costs incurred to date is \$557.60. Our  
11 client has been billed for the costs described above through May 31, 2008. Our client will be billed  
12 for courier service for filing and serving Plaintiffs' Motion for Default Judgment and related  
13 papers.

14 I declare under penalty of perjury that the foregoing is true and correct.

15 Executed this 19th day of June, 2008, in Alameda, California.

17 /s/  
18 KRISTINA M. ZINNEN